

Members

Rep. Robert Bischoff, Chair
Rep. Paul Robertson
Rep. Robert Cherry
Rep. Dan Leonard
Sen. Robert Jackman
Sen. Greg Walker
Sen. James Lewis
Sen. Richard Young



NATURAL RESOURCES STUDY COMMITTEE

Legislative Services Agency
200 West Washington Street, Suite 301
Indianapolis, Indiana 46204-2789
Tel: (317) 233-0696 Fax: (317) 232-2554

LSA Staff:

M. Bernadette Bartlett, Fiscal Analyst for the
Committee
Steven R. Wenning, Attorney for the Committee

Authority: IC 2-5-5-1

MEETING MINUTES¹

Meeting Date: October 30, 2007
Meeting Time: 10:30 a.m.
Meeting Place: The Garrison
Ft Harrison State Park
Meeting City: Lawrence, Indiana
Meeting Number: 4

Members Present: Rep. Robert Bischoff, Chair; Rep. Paul Robertson; Rep. Robert Cherry; Rep. Dan Leonard; Sen. Robert Jackman; Sen. James Lewis.

Members Absent: Sen. Greg Walker; Sen. Richard Young.

Call to Order. The Chair called the meeting to order.

Raccoon Hunting with Hounds. Sen. Jackman introduced Jerry Mull who supported unrestricted training and hunting with raccoon hounds. (See Exhibit 1.) Mr. Mull explained that only raccoon hunting dogs are restricted from training and hunting during a 40-day period that begins in November and ends January 31. All other dogs have access 365 days of the year. Ryan Hoff, Legislative Liaison for the Department of Natural Resources (DNR) explained that the DNR will maintain a neutral stance on the issue until a compromise is reached between raccoon hunters and other hunting interest groups. Glenn Salmon, DNR Fish & Wildlife Division, explained that there is no biological reason for the restriction that was probably placed on the dogs 30 years ago when the raccoon population was down. In August the DNR Advisory Council took no position on the issue. Doug Allman, Indiana Deer Hunters Association, explained that there is often a conflict particularly during the early archery deer-hunting season. Raccoon dogs are run at night and flush out the deer in small wooded lots. If dogs are run during the trapping season, trappers run the risk of trapping the dogs. Mr. Allman described the decreasing access to hunting on private property due to development, acquisition by corporations, and the leasing of land for trophy hunting.

¹ Exhibits and other materials referenced in these minutes can be inspected and copied in the Legislative Information Center in Room 230 of the State House in Indianapolis, Indiana. Requests for copies may be mailed to the Legislative Information Center, Legislative Services Agency, 200 West Washington Street, Indianapolis, IN 46204-2789. A fee of \$0.15 per page and mailing costs will be charged for copies. These minutes are also available on the Internet at the General Assembly homepage. The URL address of the General Assembly homepage is <http://www.in.gov/legislative/>. No fee is charged for viewing, downloading, or printing minutes from the Internet.

Rehabilitation Tax Credit Report. Jeff Papa, Historic Landmarks Foundation (HLF), introduced Bill Sheldrake, Policy Analytics, who provided an overview of a report entitled “An Analysis of the Indiana Historic Rehabilitation Tax Credit.” (See Exhibit 2.) Limitations of the credits include an annual cap of \$450,000 and the fact that the credits are not transferable. Marsh Davis, HLF, recommended raising the cap to \$2.5 M; making the credits transferable; and fixing the backlog by allowing those awarded credit to claim the credit at a reduced value. Mr. Marsh noted that a \$2.5 M cap would still be one of the lowest rehabilitation tax credit caps in the nation.

Discussion of Forestry Best Management Practices. Rep. Bischoff explained that interested parties are working on coming to a consensus relative to this issue.

Consideration of the Great Lakes Compact. John Goss, Indiana Wildlife Federation and representing other conservation groups, asked the Committee to endorse the Compact and recommend it to the 2008 General Assembly. (See Exhibits 3 and 4.)

The Committee voted 6-0 to endorse the Compact and recommend it to the 2008 General Assembly.

Invasive Species Task Force. Membership to the task forces was distributed to the Committee. No legislation was needed. (See Exhibit 5.)

Proposed Legislation. The Committee discussed proposed legislation. The Chair noted that five affirmative votes were needed to receive the Committee’s recommendation.

Dual Exotic Animal Permit Authorization for the DNR. Steve Wenning, Counsel for the Committee, explained PD 3392, which removes the exemption of licensed commercial animal dealers from the requirement of possessing a wild animal permit. The proposal exempts certain research facilities, educational facilities, and other organizations from the requirement of possessing a wild animal permit. (See Exhibit 6.)

Tim Hendrickson, J&J Camels, noted that people have been killed by cattle, but such occurrences do not make the news. He believes that regulation will drive illegal activities involving the care of exotic animals underground. If the activity is illegal and the animal gets sick, the animal will suffer because the individual will likely not seek assistance. In Philadelphia, people are not allowed to own reptiles, but they possess reptiles and hide them. Jeff Watson, USDA wild animal handler, stated that in Indiana there are only two USDA inspectors who only write up violations. The DNR should be able to enforce corrections of the violations. USDA inspection reports should be submitted to the DNR.

Anne Sterling, Humane Society of the United States, supported the dual permit authorization for the DNR. She is concerned about people who have animals that are not properly cared for. The DNR should be able to react to reports of poor care.

“Snakehead” Ed Ferrer, Hoosier Herpetological Society, indicated that he did not oppose the proposal if it did not expand the number of mammals on the list or include reptiles. Roger Carter, Hoosier Herpetological Society, noted that anyone who would ignore existing laws will ignore any future laws. “Jungle” John Cusson, Silly Safaris, stated that more hurdles may not be needed. The DNR needs to be more active in enforcing the Animal Welfare Act. Mr. Hoff indicated that the DNR needs dual permit authorization in order to have some oversight. The DNR could respond quickly to animal abuse if it were authorized to do so.

The Committee did not recommend the proposal. The vote was 3-3.

Burial Grounds and Archeology. PD 3399 redefines "artifact", and changes the date used in determining whether an object or feature is an artifact. It redefines "burial ground" to include certain historic sites. It redefines "plan" to include a plan for excavation of ground related to construction. It also exempts qualified professional archeologists who conduct phase 1 archeological surveys from certain archeological restrictions. It establishes criminal penalties for certain actions that disturb human remains. It requires the Department of Natural Resources to take action on archeology and development plans within 60 days. It also requires a person disturbing ground to use reasonable care and diligence to determine if the ground that may be disturbed is within 100 feet of a cemetery or burial ground. The bill requires a person who disturbs buried human remains or artifacts to cease disturbing the remains or artifacts and the surrounding area within 100 feet, and makes it a Class A infraction to fail to do so. It includes excavating or covering over the ground a prohibited activity within 100 feet of the limits of a cemetery or burial ground. It also establishes certain requirements for development plans and archeological plans. The bill establishes boundary limits for burial sites. It applies certain notice requirements to a person who disturbs burial grounds. It requires a person to stop disturbing the ground near a discovered artifact or burial object for ten business days after notifying the department. It makes reports concerning the location of historical or archeological sites confidential under some circumstances. It also allows certain persons to accompany a conservation officer to investigate a violation of historic preservation and archeology law. It establishes a fund to assist private homeowners who accidentally discover an artifact, a burial object, or human remains and need assistance to comply with an approved archeological or development plan. It allows a court to order restitution for certain costs related to the violation of historic preservation and archeology law. The bill makes it a Class D felony to possess looted property and a Class C felony if the cost of carrying out an archeological investigation on the site that was damaged to obtain the looted property is more than \$100,000. It provides that a disinterment under a plan approved by the department is exempt from other disinterment procedures. It repeals and relocates definition of "conservation officer". The bill makes conforming changes. It also makes an appropriation. (See Exhibit 7.)

Cheryl Munson, IU Archeologist, stated that she had met with Roger Stevens, Home Builders Association. They agreed in principle on the draft, but it may need some fine tuning and they need to run the language by their respective members.

The Committee voted to recommend the concepts in the draft by a vote of 5-0.

Apprentice License Program. PD 3404 establishes an apprentice hunting license that allows an individual to hunt when accompanied by a hunter who is at least 18 years of age. An apprentice hunter is not required to take the hunter education course and may not obtain more than three apprentice licenses in the individual's lifetime.

The Committee voted to recommend the draft by a vote of 6-0.

Historic Courthouse Advisory Commission. PD 3305 establishes the Courthouse Preservation Advisory Commission. It requires the commission to provide assistance for courthouse-related projects. It establishes the Courthouse Preservation Fund. It requires the commission to submit a report to the Legislative Council. It makes conforming changes.

The Committee did not recommend the proposal by a vote of 4 in favor and 2 opposed.

Falls of the Ohio Resolution. The Committee considered a resolution that encourages the DNR to request funds for the expansion of the Falls of the Ohio Interpretative Center in the DNR's 2009-2011 budget request.

The Committee voted to recommend the resolution by a vote of 6-0.

Other Business. Dick Mercier, Indiana Sportsmen's Roundtable, thanked the Committee for their work and support in the past and expressed his hope that members would support the constitutional amendment to allow hunting and fishing.

Final Report. Sen. Lewis moved that the draft of the final report be adopted with the inclusion of the work of the Committee during its final meeting.

The Committee voted to adopt the final report with a vote of 6-0.

Adjournment. There being no further business to come before the Committee, the Chair adjourned the meeting at approximately 12:45 p.m.